



1761.

8010-1001

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kunio OKADA et al.

Confirmation No. 4679

Serial No. 10/036,421

Group 1761

Filed January 7, 2002

RECEIVED  
JUL 16 2003  
GROUP 1700

EMULSION FOR PROCESSED MEAT AND PROCESSED MEAT USING THE  
EMULSION

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, the accompanying documents, copies of which are attached to this statement, are made of record on the enclosed sheet.

A concise explanation of the relevance of these items is that these references were cited by the Japanese Patent Office in the corresponding Japanese Application Serial No. 2001-000839, filed January 5, 2001. A copy of the Japanese Official Action in which they were cited is attached hereto, with what is believed to be the pertinent portion enclosed in a wavy line. An English translation of the enclosed portion is also attached hereto.

Under the provisions of 37 CFR 1.97(e), the undersigned hereby certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a

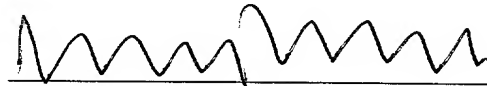
S.N. 10/036,421

counterpart foreign application not more than three months  
prior to the filing of this Statement.

Respectfully submitted,

YOUNG & THOMPSON

By



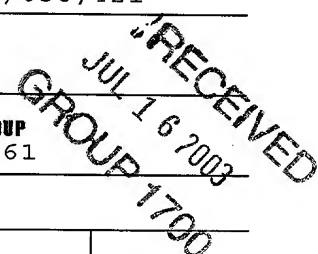
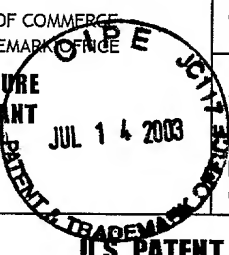
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July 14, 2003

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
8010-1001SERIAL NO.  
10/036,421**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

37 CFR 1.98(b)

APPLICANT  
Kunio OKADA et al.FILING DATE  
January 7, 2002GROUP  
1761**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						

**FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION**

		DOCUMENT NO.	PUBL. DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANSLATION YES NO
	AI	B2 59-23777	06/84	JP			with English abstract
	AJ	A 59-162853	09/84	JP			with English abstract
	AK	A 63-126470	05/88	JP			with English abstract
	AL	B1 57-21969	05/82	JP			with English abstract
	AM	A 2000- 125760	05/00	JP			with English abstract
	AN						
	AO						
	AP						
	AQ						

**OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)**

	AT	
	AU	
	AV	
	AX	
	AY	

**EXAMINER****DATE CONSIDERED**

**EXAMINER:** Initial citation considered. Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to applicant.

- Official Gazette of Patent Application Publication Sho 57-21969
- Date of publication of application: May 11, 1982
- Application number: Sho 49-136661
- Date of filing: February 15, 1999
- Inventor: Petrus Adam Inkral (Spellings for inventor might not be accurate. They were presumed from the Japanese character for the inventor.)
- Applicant: Fassen Shoemaker Holding N. B. (Spellings for applicant might not be accurate. They were presumed from the Japanese character for the applicant.)
- Abstract

Process for improving quality of food which contains protein, the process comprising adding a basic amino acid or the salt thereof in a solid phase to the food containing animal protein such as meat or meat product and processing the food (claim) is disclosed. This process is effective in improving the meat juice keeping ability and color of the meat. It is also disclosed that it is preferable to have the meat product which contains protein contacted with a monobasic amino acid which contains additive at the pH value of at least 6.0 or more.

File No. 20001138

Sending No. 132188

Sending date April 18, Heisei 15

5

Notice of Ground of Rejection

Application No.	Patent Application 2001-000839	
Rejection date	April 16, Heisei 15	
Examiner	Junko Uchida	8115 4N00
10 Attorney for applicant	Mitsuru Uchiyama	
Applied Article	Paragraph 2, Article 29	

The application should be rejected on the following ground. When there is any opinion on this decision, the opinion should be submitted  
15 within 60 days after the date of sending this notice.

Ground

The inventions of the following Claims of this application can be  
20 easily invented by a person having ordinary knowledge in the field to which the person belongs before the application based on the inventions which are described in the following publications published in Japan or in foreign countries or is made available for the public through means of electrical communication before the application. Therefore, the patent  
25 cannot be granted the application pursuant to the provision of Paragraph 2, Article 29 of the Patent Law.

## Description

(For cited references, refer to the list of cited references)

Claims 1, 2, 4, 10 to 12

5 References 1 to 4

### Notes

In Reference 1, it is described that an emulsion comprising animal and plant oils and fats, hydrolysis products of protein, a salt of phosphoric acid, natural gum and a flavoring agent is used as an emulsion for  
10 processed meat (line 4 from the bottom, column 4 to line 10, column 5). In Reference 2, an emulsion for processed meat comprising gelating agents comprising oils and fats, gums and agar, emulsifiers such as lecithin and fatty acid monoglycerides and flavoring agents such as amino acid extracts is described. (Claims, lines 7 to 10, lower left column, page  
15 2; and lines 5 from the bottom to the bottom line, lower left column, page 3). The natural gum described above corresponds to the polysaccharide-based emulsion stabilizer of Claim 2 of the present application.

The inventions described in Reference 1 and Reference 2 are  
20 different from the inventions of Claims 1 and 2 of the present application in that no basic amino acid or no salt thereof is comprised although conventional flavoring agents such as amino acid extracts are comprised.

However, it is described in Reference 3 that matured flavor is provided to meat by using amino acids such as L-arginine, L-lysine and  
25 L-proline. It is recognized that using a basic amino acid such as arginine described above or a salt thereof in place of the flavoring component

described in References 1 and 2 is easy for a person skilled in the art.

It is also described in Reference 4 that a solution of a basic amino acid or a salt thereof can be used in place of an inorganic compound having phosphorus and, in particular, a salt of polyphosphoric acid, used  
5 for an additive to a liquid injected into ham meat and the like (line 6 from the bottom, column 1 to line 6 from the bottom, column 2; lines 28 to 37, column 6; line 20, column 10 to line 29, column 11; line 35, column 12 to line 4, column 13; and line 14, column 14 to line 17, column 15). Therefore, it is recognized that using a basic amino acid or a salt thereof  
10 in place of the phosphoric acid salt in Reference 1 is easy for a person skilled in the art.

Claims 3 and 5

References 1 to 5

15 Notes

It is described in Reference 5 that flowing out of drips during storing can be prevented by using a solution containing an alkali salt such as sodium carbonate and potassium carbonate as the liquid injected into processed meat (Claim; and from [0008] to [0010]). Therefore, it is  
20 recognized that adding the above salt to the above emulsion for processing meat 1 is easy for a person skilled in the art.

Claims 6 to 9

References 1 to 5

25 Notes

The amounts of addition of components in Claim 6 are not

significantly different from the amounts of addition of components in  
References 1 to 4.

List of references

1. Official Gazette of Patent Application Publication No. Sho 59-23777
2. Official Gazette of Patent Application Laid-Open No. Sho 59-162853
3. Official Gazette of Patent Application Laid-Open No. Sho 63-126470
4. Official Gazette of Patent Application Publication No. Sho 57-21969
5. Official Gazette of Patent Application Laid-Open No. 2000-125760

10

Record of results of investigation of prior arts

Investigated field

15           IPC Edition 7           A23L, 1/31-1/325  
  1/326-1/333

Prior arts                   none

20           This record of results of investigation of prior arts does not constitute the  
                 ground of rejection.

Inquiries should be addressed to:

                 Junko Uchida           Foods and Microorganisms, Patent Examination  
  Department 3  
25           TEL. 03(3581)1101 ext. 3403   FAX. 03(3501)0491



## 拒絶理由通知書



特許出願の番号 特願2001-000839  
起案日 平成15年 4月16日  
特許庁審査官 内田 淳子 8115 4N00  
特許出願人代理人 内山 充 様  
適用条文 第29条第2項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

## 理 由

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

- ・請求項 1, 2, 4, 10-12
- ・引用文献 1-4
- ・備考

引用文献1に、動植物性油脂と蛋白加水分解物、燐酸塩、天然ガム、調味料を含む乳化物とからなる乳化液を加工肉用乳化液として用いることが記載されている(4欄下より4行~5欄10行)。また、引用文献2には、脂肪、ガム類や寒天からなるゲル化剤、レシチンや脂肪酸モノグリセライド等の乳化剤、アミノ酸エキス等の調味料を含む加工肉用エマルジョンが記載されている(特許請求の範囲、2頁左下欄7~10行、3頁左下欄下より5~最下行)。そして、前記天然ガムは本願請求項2の多糖類系乳化安定剤に相当する。

してみると、引用文献1及び2記載の発明は、アミノ酸エキス等の一般的な調味料を含むものの、特に塩基性アミノ酸及びその塩を含まない点で、本願の請求項1及び2に係る発明と相違している。

しかしながら、引用文献3には、L-アルギニンやL-リジン、L-プロリン等のアミノ酸を使用して肉に熟成風味を付与することが記載されているので、上記引用文献1及び2記載の調味成分に代えて、特に上記アルギニン等の塩基性アミノ酸又はその塩を使用することは当業者にとって容易に想到しうるところと認

められる。

また、引用文献4には、ハム肉等の注入液の添加剤として使用する無機リン含有化合物特にポリリン酸塩に代えて、塩基性アミノ酸又はその塩の溶液を使用することができる」と記載されている（1欄下より6行～2欄下より6行、6欄28～37行、10欄20行～11欄29行、12欄35行13欄4行、14欄14行～15欄17行）から、引用文献1において、燐酸塩に代えて塩基性アミノ酸又はその塩を使用することは当業者の容易に実施できるところと認められる。

- ・請求項 3, 5
- ・引用文献 1-5
- ・備考

引用文献5に、炭酸ナトリウムや炭酸カリウム等のアルカリ塩を含む溶液を加工肉の注入液として用いると、貯蔵中のドリップの流出を防止しうると記載されている（特許請求の範囲、【0008】～【0010】）から、該塩を上記食肉加工用乳化液に添加することは当業者であれば容易に想到しうることと認める。

- ・請求項 6-9
- ・引用文献 1-5
- ・備考

本願の請求項6に係る各成分の添加量は、引用文献1～4記載の各成分の添加量と顕著な差異はない。

#### 引用文献等一覧

1. 特公昭59-23777号公報
2. 特開昭59-162853号公報
3. 特開昭63-126470号公報
4. 特開昭57-21969号公報
5. 特開2000-125760号公報

#### 先行技術文献調査結果の記録

- ・調査した分野  
IPC第7版 A23L 1/31-1/325,  
1/326-1/333
- ・先行技術文献 なし

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

この拒絶理由通知の内容に関する問い合わせ先

特許審査第三部食品・微生物 内田淳子

発送番号 132188

発送日 平成15年 4月18日 3 / 3

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TEL.03(3581)1101 内線3403 FAX.03(3501)0491